



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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TO: Members, Public Disclosure Commission

FROM: Doug Ellis
Director of Public Outreach

DATE: October 14, 2004

SUBJECT: Continuation of Rule-Making Process

The following draft rule amendments are presented as a continuation of the rule making activity first undertaken at your August 24, 2004 meeting.

Doing Business in Washington State. Possible rule amendment to WAC 390-17-310 Doing Business in Washington. The current rule was adopted in 1996 for the purposes of clarifying the meaning of "doing business in Washington" under RCW 42.17.640(11). The proposed draft rule amendment conforms to current practice and includes a list of nonexclusive indicators for determining whether a corporation or business entity is doing business in Washington state. See attached draft rule amendment.

Penalty Schedules. Possible rule amendments to WAC 390-37-160 thru WAC 390-37-175 to clarify that persons who repeatedly fail to file reports will automatically be scheduled before the full Commission for enforcement action. See attached draft rule amendments.

A stakeholder meeting was held on September 23, 2004. The meeting was scheduled to seek public comment on potential rule making topics and give all interested persons an opportunity to participate in the process. Individuals present at the meeting did not comment on the proposed rules.

Action by the Commission. At this point, staff is requesting the Commission approve the draft language in WAC 390-17-310, WAC 390-37-160, WAC 390-37-165, WAC 390-37-170 and WAC 390-37-175. If approved, the draft language will be filed with the Code Reviser's Office and a public hearing scheduled for December 2, 2004.